

[21]

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GEORGE DAWKINS, JR.,

Plaintiff,

v.

BRISTOL-MYERS SQUIBB COMPANY,
SANOFI-AVENTIS U.S. L.L.C.,
SANOFI-AVENTIS U.S., INC.,
SANOFI-SYNTHELABO, INC.,

Defendants.

:
:
: Civil Action No. 3:07-cv-1186 (FLW)
:

ORDER

:
:
:
:
:
:
:
:
:
:
:
:

THIS MATTER having been opened to the Court by Defendants Bristol-Myers Squibb Company, Sanofi-Aventis U.S. L.L.C., Sanofi-Aventis U.S., Inc., and Sanofi-Synthelabo, Inc., through counsel Michael A. Tanenbaum, Esq., seeking dismissal of the First Amended complaint of Plaintiff George Dawkins, Jr. ("Plaintiff") for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6); Plaintiff, through his counsel Michele A. DiMartino, Esq., having submitted opposition thereto; the Court having considered the moving, opposition, and reply papers filed by the parties; this matter being considered pursuant to Fed. R. Civ. P. 78; for the reasons stated in the Opinion filed on this date, and for good cause shown;

IT IS on this 30th day of December, 2009,

ORDERED that Count VI of Plaintiff's First Amended Complaint, asserting a claim under Ohio's Consumer Sales Practice Act, is dismissed without prejudice; and it is further

ORDERED that Count V of Plaintiff's First Amended Complaint, i.e., the negligent misrepresentation claim, is dismissed with prejudice.

Dated: December 30, 2009

/s/ Freda L. Wolfson
United States District Judge